

Chapter 12.08

GENERAL REGULATIONS

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12.08.010 Procedure generally.

Before subdividing any tract or lot or parcel of land into two or more lots, a subdivider shall:

A. Prior to or coincident with the submission of the preliminary plat, file with the planning commission a completed subdivision information form or forms to be furnished by the planning commission;

B. File with the planning commission for examination and subsequent action prints of the preliminary plat prepared in conformance with the provisions of this title. Prints shall be filed at least 15 days prior to the planning commission meeting at which the plat is to be considered, and shall be accompanied by a filing fee;

C. Within one year after receiving approval of the preliminary plat by the planning commission, submit the original and one copy of the final plat to the planning commission for final approval or disapproval, as the case may be. The planning commission may grant a one-year extension of such time period if the request for extension is received prior to the expiration date. In approving any extension, the planning commission may review and modify or amend the original approval conditions and requirements;

D. Present, after receiving final approval by the planning commission, the original of the final plat to the community development director for survey and engineering review by the engineering contractor;

E. The water supply and sewage disposal shall have been approved by the health

department;

F. A current commitment for title insurance from an acceptable title company and bond or other acceptable security shall be submitted to the city attorney for approval;

G. The community development department will submit the final plat to the mayor for action after approval from the city attorney; and

H. After obtaining final approval from the mayor the final plat bearing all official approvals as required in this title must be recorded with the county recorder at the expense of the subdivider. Approval of the final plat by the planning commission shall be void if the plat is not recorded within one year after the date of approval, unless application for an extension of time is made in writing to the planning commission and granted during the one-year period.

12.08.020 Exceptions—Permitted when.

In cases where unusual topographic, aesthetic or other exceptional conditions exist or the welfare, best interests and safety of the general public will be usefully served or protected, variations and exceptions of this title may be made by the mayor after the recommendation of the planning commission, provided, that such variations and exceptions may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this title.

12.08.030 Exceptions—Final plat.

In subdivisions of less than ten lots, land may be sold by metes and bounds description without the necessity of recording a plat, if all of the following conditions are met:

A. The subdivision layout shall have been prepared by a surveyor and approved in writing by the planning commission, the community development department, the health department, providers of underground facilities, the city attorney and the mayor;

B. The subdivision is not traversed by the mapped lines of a proposed street as shown on

the official map or maps of the city or other planning commission studies, and does not require the dedication of any land for street or other public purposes;

C. If the subdivision is located in a zoned area and each lot in the subdivision meets the frontage, width and area requirements of the zoning title or has been granted a variance from such requirements by the board of adjustment;

D. All preliminary plat requirements shall be complied with;

E. All provisions of chapter 12.24 of this title shall be complied with; and

F. The water supply and sewage disposal shall have been approved by the health department.

G. Any easements required by providers of underground facilities or for drainage, shall be on a separate document approved by the city attorney.

H. The city attorney may require submission of a current commitment for title insurance from an acceptable title company and bond or other acceptable security to assure installation of fire hydrants, lot corner markers and other approved improvements.

12.08.040 Residential building only.

Except for a dwelling groups or planned unit developments allowed in the zoning ordinance, not more than one main dwelling structure shall occupy any one lot.

12.08.050 Appeals.

A. Any person shall have the right to appeal to the council any decision rendered by the planning commission under this chapter by filing a letter, stating the reasons for appeal, with the council within ten days after the planning commission decision. After receiving the appeal, the council may appoint a hearing officer, and the hearing officer shall have the power and authority to preside at and conduct hearings to resolve the matter.

B. After hearing the appeal, the hearing officer shall submit to the council a proposed

findings of fact, conclusions of law, and order. The council may adopt and enter the proposed findings of fact, conclusions of law, and order or may enter its own findings of fact, conclusions of law, and order providing such order is based upon and supported by the record. The council's order may affirm, reverse, alter or remand for further review and consideration, the decision of the planning commission.